

**Applicants request a Special Exception under Section 2.16.050 C (Rear Yard Setback) in an R-1 (Residential) zone.**

This would allow a 460 sq. ft. addition that is proposed to encroach in the required rear yard setback and to be located to within 48 feet of the rear property line.

The required front and rear yard cumulative total setback is 100 feet in the R-1 zone district.

**BACKGROUND**

The request is to encroach into the required rear yard setback for a portion of a new bedroom. The applicant has a building permit and has begun construction on additions and remodeling.

There is an accessory building (garage) in the westerly side yard which appears to be located approximately 45 feet from the front property line. Per Title 20, Zoning, Section 20.10.020 A.3., accessory buildings shall be located not less than 60 feet from the front lot line, a minimum of 5 feet from the main building, and shall comply with the side yard requirements. In the R-1 zone district, the minimum side yard setback is 15 feet. There is no building permit on file for the building; further, there appears to have been demolition of a building and construction of waterfall and fish ponds without permit.

After requesting two postponements of this case, the applicant's representative has submitted a revised site plan that shows a 35' x 20' accessory building in the westerly side yard and that meets the required 60 feet from the front property line and the required 15' minimum side setback in the R-1 zone district. The applicant will be demolishing approximately a 5' x 20' portion of the accessory building.

**CALCULATIONS**

Permitted square feet encroachment = 3,388 sq. ft. (80.66' [242' lot width ÷3] x 42' [3/5 of 70'])

Requested square feet encroachment = 460 sq. ft. (18.6' x 24.8')

Required rear yard setback = 70'

Requested rear yard setback = 48'

**STAFF RECOMMENDATION**

The recommendation is for approval of the Special Exception C to encroach into the required rear yard setback, with a condition that the accessory building in the westerly side setback is located no closer than 60 feet to the front property line and no closer than 15 feet to the westerly side setback.

The Zoning Board of Adjustment is empowered under Section 2.16.050 C to:

Permit an extension of a single-family residential structure into the required rear yard setback, which shall be measured to the rear property line; provided, however, that:

1. The residence has been in existence with a valid certificate of occupancy for one continuous year;
2. The maximum square footage allowed shall not exceed the result of multiplying one-third of the average width of the lot by three-fifths of the required rear yard setback;
3. A minimum ten foot rear yard setback shall be required;
4. The minimum side and side street yard setbacks shall not be reduced; and,
5. Unless otherwise provided in this section, all remaining areas of the required rear yard shall be permanent open space.

DOUBLE JAY DR

12111 SWAPS DR

N 31°51'19" W

N 71°07'35" E

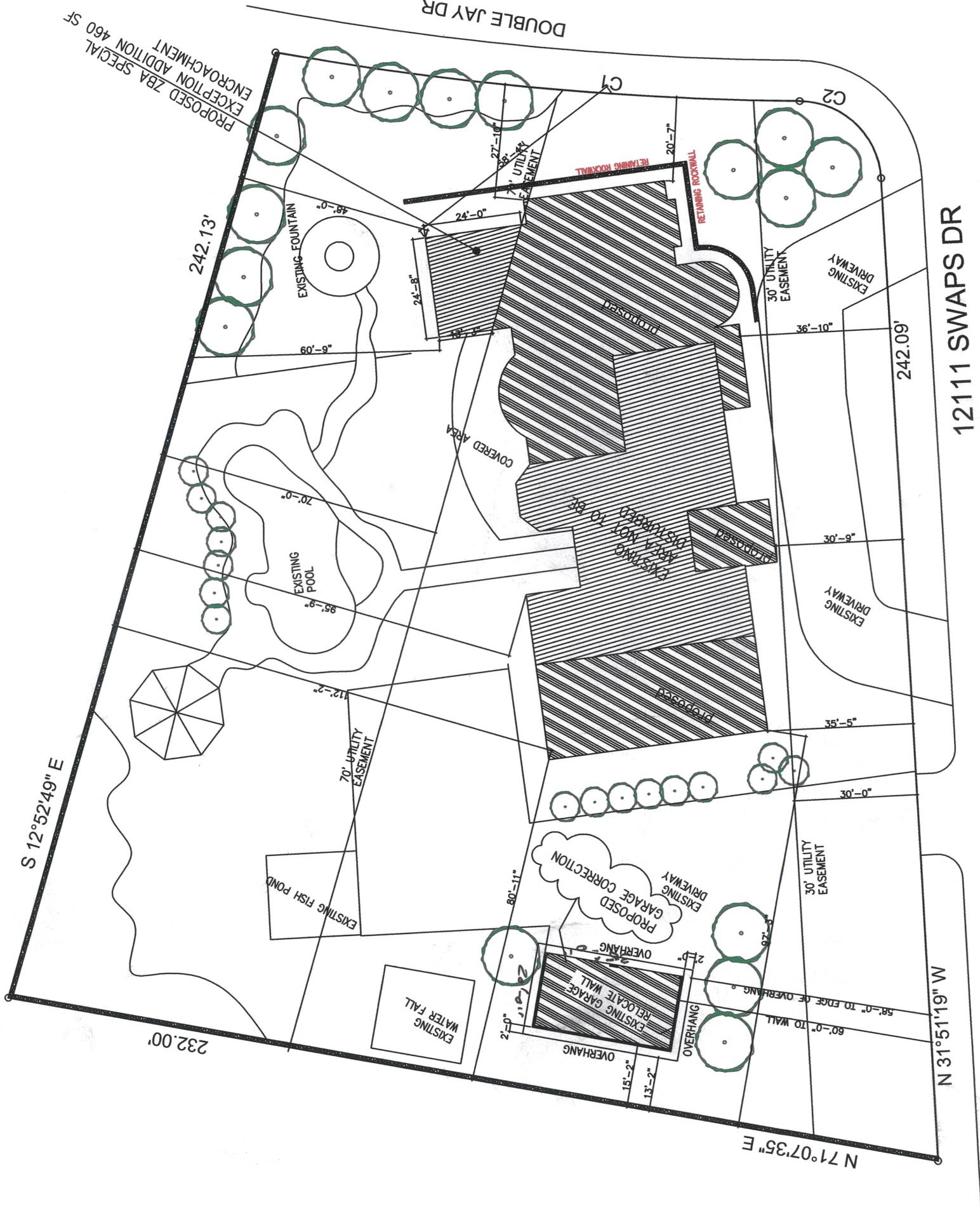
S 12°52'49" E

232.00'

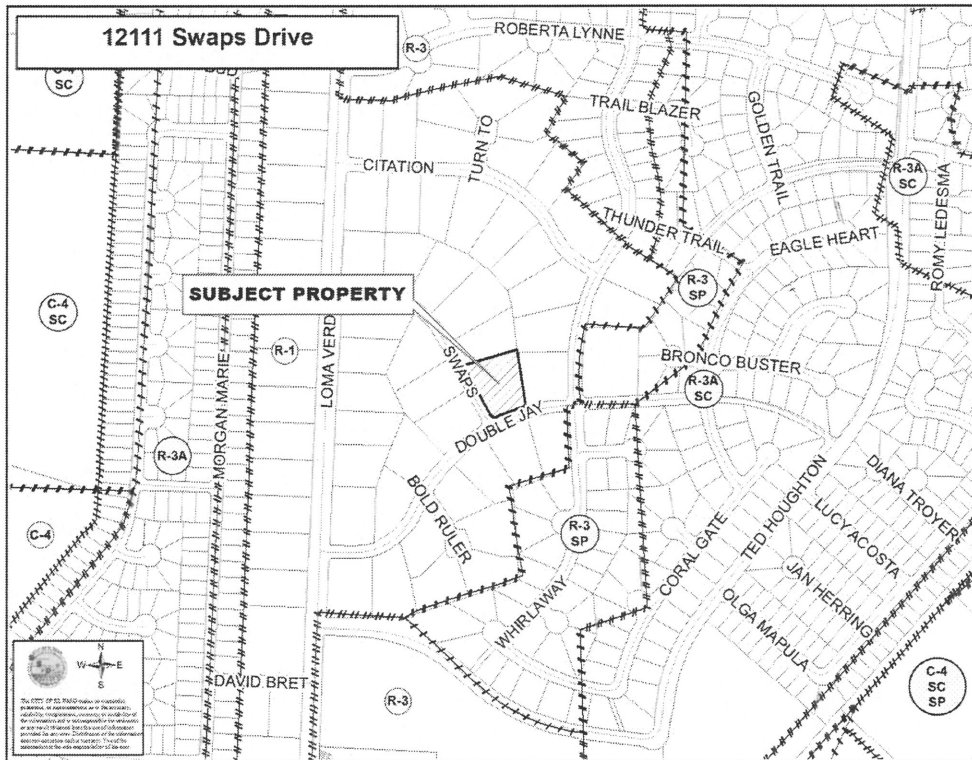
242.13'

242.09'

PROPOSED ZBA SPECIAL  
EXCEPTION ADDITION 460 SF  
ENCROACHMENT



# ZONING MAP



# NOTIFICATION MAP

